

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 DEC 15 PM 4:17

DEXTER MILLER,

Plaintiff,

vs.

ARAMARK UNIFORM & CAREER  
APPAREL, INC.,

Defendant.

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

Civ. No. 04-2945-B/P

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO COMPEL

Before the court is Plaintiff's Motion to Compel, filed December 12, 2005 (Dkt #19). Local Rule 7.2 requires that

"[a]ll motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." Local Rule 7.2(a)(1)(B). Failure to file a Rule 7.2 certificate "may be deemed good grounds for denying the motion." *Id.*

Plaintiff states in his motion that "counsel has attempted to resolve this discovery dispute in good faith for a period of months on numerous occasions. Defendant has for the most part not responded or given a basis for its objections." However, there is

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 12-16-05

21

no indication whether plaintiff consulted with defendant prior to filing this motion to compel.

Therefore, plaintiff's motion is DENIED, without prejudice.

Plaintiff may renew his motion by refiling it with a certificate of consultation in compliance with Local Rule 7.2.

IT IS SO ORDERED.

  
\_\_\_\_\_  
TU M. PHAM  
United States Magistrate Judge

December 15, 2005  
Date



## Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02945 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

---

Andrew C. Clarke  
BAILEY & CLARKE  
6256 Poplar Avenue  
Memphis, TN 38119

William S. Rutchow  
OGLETREE DEAKINS NASH SMOAK & STEWART  
424 Church St.  
Ste. 800  
Nashville, TN 37219

Lucien Gillham  
HARRILL & SUTTER, PLLC  
P.O. Box 26321  
Little Rock, AR 72221

Honorable J. Breen  
US DISTRICT COURT